

KTF:KRA
F. #2023R00775

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- X

UNITED STATES OF AMERICA

- against -

JUSTIN POON,

Defendant.

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THE GRAND JURY CHARGES:

FILED
IN CLERK'S OFFICE
US DISTRICT COURT E.D.N.Y.
* DECEMBER 20, 2023 *
BROOKLYN OFFICE

I N D I C T M E N T

Cr. No. 23-CR-533
(T. 18, U.S.C., §§ 875(d), 981(a)(1)(C),
2251(a), 2251(e), 2253, 2260A and
3551 et seq.; T. 21, U.S.C., § 853(p),
T. 28, U.S.C., § 2461(c))

Judge Brian M. Cogan
Magistrate Judge James R. Cho

COUNT ONE

(Sexual Exploitation of a Child – Jane Doe #1)

1. In or about and between December 2020 and December 2022, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant JUSTIN POON did employ, use, persuade, induce, entice and coerce a minor, to wit: Jane Doe #1, an individual whose identity is known to the Grand Jury, to engage in sexually explicit conduct, and knowingly and intentionally attempt to do so, for the purpose of producing one or more visual depictions of such conduct and for the purpose of transmitting a live visual depiction of such conduct, knowing and having reason to know that such visual depictions would be transported and transmitted using any means and facility of interstate and foreign commerce and which would be in and affecting interstate and foreign commerce, which visual depictions were produced and transmitted using materials that had been mailed, shipped and transported in and affecting interstate and foreign commerce by any means, including by computer, and which visual depictions were actually transported

and transmitted using a means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce.

(Title 18, United States Code, Sections 2251(a), 2251(e) and 3551 et seq.)

COUNT TWO

(Sexual Exploitation of a Child – Jane Doe #2)

2. On or about and between June 8, 2023, and June 11, 2023, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant JUSTIN POON did employ, use, persuade, induce, entice and coerce a minor, to wit: Jane Doe #2, an individual whose identity is known to the Grand Jury, to engage in sexually explicit conduct, and knowingly and intentionally attempt to do so, for the purpose of producing one or more visual depictions of such conduct and for the purpose of transmitting a live visual depiction of such conduct, knowing and having reason to know that such visual depictions would be transported and transmitted using any means and facility of interstate and foreign commerce and which would be in and affecting interstate and foreign commerce, which visual depictions were produced and transmitted using materials that had been mailed, shipped and transported in and affecting interstate and foreign commerce by any means, including by computer, and which visual depictions were actually transported and transmitted using a means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce.

(Title 18, United States Code, Sections 2251(a), 2251(e) and 3551 et seq.)

COUNT THREE

(Transmission of Threats with Intent to Extort – Jane Doe #2)

3. On or about and between June 8, 2023, and June 11, 2023, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the

defendant JUSTIN POON did knowingly and intentionally transmit in interstate and foreign commerce one or more communications containing one or more threats to injure the reputation of Jane Doe #2, with the intent to extort a thing of value from Jane Doe #2.

(Title 18, United States Code, Sections 875(d) and 3551 et seq.)

COUNT FOUR

(Offense by a Registered Sex Offender)

4. In or about and between December 2021 and June 2023, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant JUSTIN POON, knowing that he was required by Federal and other law, to wit: New York State law, to register as a sex offender, did commit one or more felony offenses involving one or more minors under Title 18, United States Code, Section 2251, to wit: the offenses charged in Counts One and Two of this Indictment.

(Title 18, United States Code, Sections 2260A and 3551 et seq.)

CRIMINAL FORFEITURE ALLEGATION
AS TO COUNTS ONE AND TWO

5. The United States hereby gives notice to the defendant that, upon his conviction of either of the offenses charged in Counts One or Two, the government will seek forfeiture in accordance with Title 18, United States Code, Section 2253(a), which requires the forfeiture of (a) any visual depiction described in Section 2251, 2251A, 2252, 2252A, 2252B, or 2260 of Title 18, United States Code, or any book, magazine, periodical, film, videotape or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped or received in violation of such sections; (b) any property, real or personal, constituting, or traceable to, gross profits or other proceeds obtained from such offenses; and (c) any property, real or personal, used or intended to be used to commit or to

promote the commission of such offenses of conviction, or any property traceable to such property, including, but not limited to:

- (a) one Apple iPhone 7 with serial number C76SN8W3HG7K, seized in or about November 2022 in Nassau County, New York;
- (b) one Apple iPhone 11 with serial number DX3FQ2GFN72T, seized in or about November 2022 in Nassau County, New York; and
- (c) one Apple iPhone 13 with serial number D04FP4Y00W, seized in or about June 2023 in Nassau County, New York.

6. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be

divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 2253(b), to seek forfeiture of any other property of the defendant up to the value of the forfeitable property described in this forfeiture allegation.

(Title 18, United States Code, Section 2253; Title 21, United States Code, Section 853(p))

CRIMINAL FORFEITURE ALLEGATION
AS TO COUNT THREE

7. The United States hereby gives notice to the defendant that, upon his conviction of the offense charged in Count Three, the government will seek forfeiture in accordance with Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), which require any person convicted of such offenses to forfeit any property, real or personal, constituting, or derived from, proceeds obtained directly or indirectly as a result of such offenses.

8. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or

(e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the forfeitable property described in this forfeiture allegation.

(Title 18, United States Code, Section 981(a)(1)(C); Title 21, United States Code, Section 853(p); Title 28, United States Code, Section 2461(c))

A TRUE BILL


FOREPERSON

By M. Kristin Mace, Assistant U.S. Attorney

BREON PEACE
UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK

No. _____

UNITED STATES DISTRICT COURT

EASTERN *District of* NEW YORK

CRIMINAL DIVISION

THE UNITED STATES OF AMERICA

vs.

JUSTIN POON,

Defendant.

INDICTMENT

(T. 18, U.S.C., §§ 875(d), 981(a)(1)(C), 2251(a), 2251(e), 2253, 2260A
and 3551 et seq.; T. 21, U.S.C., § 853(p), T. 28, U.S.C., § 2461(c))

A true bill.

_____ *Mee Z* _____
Foreperson

Filed in open court this _____ day,

of _____ A.D. 20 _____

Clerk

Bail, \$ _____

Kamil R. Ammari, Assistant U.S. Attorney (718) 254-6075